SINGLE BENCH 3

C.F. 100

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CHHATTISGARH)

WRIT PETITION No.4945/2005

PETITIONER G. D. Prasad aged about 41 years, S/o Shri Mohan Prasad, R/o Village Kargi Road, Kota, Distt. Bilaspur

VERSUS

RESPONDENTS

1. The State of Chhattisgarh, Through Secretary, Ministry of Labour, Mantralaya D.K.S. Bhawan, Raipur
2. Joint Secretary, Labour Department, Raipur
3. Labour Commissioner, Raipur.

C.R. No. 5205/05
Presented by Shri Anand Shukla
dated 4/10/05

WRIT PETITION UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

W. P. No. 4945 of 2005

Petitioner : G.D. Prasad

Versus

Respondents : The State of Chhattisgarh & others

Shri Parag Kotecha, Advocate for the petitioner.

Shri Sushil Dubey, Govt. Advocate for the State/respondents.

O R D E R

(Passed on 8th of September, 2006)

1. Learned counsel for the petitioner submits that the petitioner while working as Inspector in the office of the Assistant Labour Commissioner, Bilaspur, by order dated 22.9.2005 (Annexure P/1), was transferred in the same capacity to the office of Labour Officer, Jagdalpur.

2. The petitioner has filed this petition challenging the impugned transfer order dated 22.9.2005, whereby the petitioner was transferred from the office of the Assistant Labour Commissioner, Bilaspur to that of Labour Officer, Jagdalpur.

3. This Court, while issuing notice, granted interim stay of the impugned order dated 22.9.2005 (Annexure P/1). The petitioner has continued on the same place of posting in the office of the

Assistant Labour Commissioner, Bilaspur for about a year by virtue of the interim order granted on 7.10.2005

4. In the facts of the case, it is not necessary to go into the validity of the impugned order at this stage in detail. However, respondents/authorities are expected that they would not insist upon compliance of the impugned transfer order dated 22.9.2005.

5. The respondents/authorities have liberty to post an employee at a particular place in the public interest as well as in administrative exigency, in accordance with law.

6. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee is to be posted in the interest of administration and public. This Court has limited jurisdiction to interfere in transfer matters and this Court can interfere only in the case of proved malafide, non-competence of the authority is passing the transfer order, and order not being in conformity with the rules and regulations.

7. For the reasons stated-above, the writ petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge